

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

Thrivest Specialty Funding, LLC

Petitioner,

v.

William E. White,

Respondent.

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Case No. 2:18-cv-1877

Judge Brody

**RESPONDENT’S RESPONSE IN OPPOSITION TO THRIVEST’S EMERGENCY
MOTION FOR CONTEMPT**

On July 1, 2019, this Court confirmed the Interim Arbitration Award, and stayed this action (the “Confirmation Order”) (ECF No.25). On July 9, 2019, Thrivest moved for a finding of contempt for “failure to comply” with the Interim Arbitration Award (ECF No. 26). Preliminarily, Mr. White has great respect for this Court and its orders and has not “disobeyed” the Confirmation Order. Rather, his position is that compliance with the Confirmation Order is not possible. Additionally, he intends to timely appeal the Confirmation Order.

In its Motion for Contempt, Thrivest asks this Court to first order fines of \$500.00 per day, and then imprison Mr. White for “failing to comply” with the Interim Arbitration Award. Additionally, without any putting forth any legal support for the proposition, Thrivest also asks this Court to “freeze White’s accounts” as another sanction. To be clear, Mr. White, an eleven (11) year veteran of the National Football League, was diagnosed with a neurocognitive disability on June 21, 2016, ALS on October 16, 2016, no longer has use of his arms, and requires assistance with performing certain daily tasks, including bathing. Mr. White, therefore,

cannot afford to pay daily court fines of \$500.00, would have no way to live or survive with his accounts frozen, and does not have the physical ability to independently function or take care of himself in prison.

More importantly, as stated above, there is no basis to find Mr. White in contempt of the Confirmation Order where, as here, compliance with the Confirmation Order is not possible, and he intends to timely appeal the Confirmation Order. Accordingly, there should neither be a finding that he has “disobeyed” the Confirmation Order, nor that he is otherwise in contempt of the Confirmation Order under these circumstances.

Respectfully submitted,

/s/ Robert C. Wood
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Counsel for the Respondent

Dated: July 23, 2019

CERTIFICATE OF SERVICE

I, Robert C. Wood, hereby certify that the foregoing was electronically filed on this date; it is available for viewing and downloading on the Court's CM/ECF system; and it will be served on all counsel of record via the Court's CM/ECF system.

Dated: July 23, 2019